

EXHIBIT

C

From: [Scutero, Peter \(LAW\)](#)
To: [Marquez, Lillian](#); [Robinson, Amy \(LAW\)](#); [Bull, Gina](#); [NYC Law Protest Team](#)
Cc: [AG-NYPDLitigation](#); [Payne Litigation Team](#); [rolonlegalteam.](#); [Gray Legal Team-External](#); [Lalit Loomba](#); [Steven Bushnell](#); [SMcQuade@pittalaw.com](#); [Andrew Quinn](#); [PBALitigationTeam@schlamstone.com](#); [Coles, Anthony P.](#)
Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled
Date: Tuesday, May 23, 2023 4:54:00 PM

Counsel,

The witness is not available on May 30th. Your assertion that Plaintiffs cannot agree to dates which fall after the Court-set deadline is inconsistent with your prior practice. See Docket No. 971 where Plaintiffs wrote to the Court informing that the parties have agreed to schedule the deposition of Eugene Whyte after the June 16th deadline and requesting the Court to allow the parties to take the Whyte deposition on June 22, which the Court granted. Defendants are making one last request, before writing to the Court, for Plaintiffs to reciprocate the prior courtesy that was extended by Defendants.

Peter Scutero
New York City Law Department

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Sent: Tuesday, May 23, 2023 4:31 PM
To: Scutero, Peter (LAW) <PScutero@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam. <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Peter,

Given that Defendants gave us a short period to respond, I can only respond on behalf of the *People*.

The most Plaintiffs can do to accommodate Defendants' failure to meet its basic obligation to prepare their witness is offer a one-time adjournment of Chief Baker's deposition to Tuesday, May 30 starting at 10:30 a.m. if Defendants can cover the cost of any late-cancellation fees incurred with our court reporter. Plaintiffs cannot agree to the dates you offer, which fall after the Court-set deadline.

Please confirm if Defendants agree to pay those costs and produce a prepared Chief Baker for Topics 1, 19, and 22 on Tuesday, May 30 at 10:30 a.m. If Defendants intend to move for a protective order from ECF No. 921, please advise as much and we will provide a response. If Defendants refuse to produce Chief Baker tomorrow or, per this offer, May 30, we consider them in violation of ECF No. 921.

Lillian Marquez | Assistant Attorney General

New York State Office of the Attorney General, Civil Rights Bureau

28 Liberty St., New York, NY 10005

Tel: 212-416-6401 | lillian.marquez@ag.ny.gov | www.ag.ny.gov

Pronouns: She/Her/Hers

From: Scutero, Peter (LAW) <PScutero@law.nyc.gov>

Sent: Tuesday, May 23, 2023 3:06 PM

To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>;

Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team

<PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal

Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven

Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn

<aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P.

<anthony.coles@dlapiper.com>

Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Counsel,

Given that the Court expressed a desire for the parties to work out the scheduling of Chief Baker's deposition, we are asking again if Plaintiffs will agree to rescheduling the deposition to another date. We can propose dates in either the week of June 20th – 23rd or June 26th – June 30th. Please let us know by 4:30 PM if you agree to rescheduling the deposition, and to which specific date within our proposed weeks, so that we have time to write the Court should Plaintiffs decline our proposal. Thank you.

Peter Scutero

New York City Law Department

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>

Sent: Friday, May 19, 2023 10:32 PM

To: Scutero, Peter (LAW) <PScutero@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>;

Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team

<PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal

Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven

Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn

<aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P.

<anthony.coles@dlapiper.com>

Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Peter,

Defendants appear to still be attempting to cancel Chief Baker's deposition without an emergent situation. Plaintiffs have not agreed to adjourn the May 24 date and yet you are saying Defendants won't produce him then. As we haven't agreed to an adjournment and the Court has not excused Chief Baker from appearing, we will be going forward on Wednesday at 9:30 a.m. See you then.

Regards,
Lillian

Lillian Marquez | Assistant Attorney General

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Tel: 212-416-6401 | lillian.marquez@ag.ny.gov | www.ag.ny.gov
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From: Scutero, Peter (LAW) <PScutero@law.nyc.gov>

Sent: Friday, May 19, 2023 9:23 PM

To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Counsel,

You have mischaracterized Defendants' position as well as what was said during the meet and confer. As Plaintiffs did in the case of Executive Director Whyte, Defendants requested a rescheduling of Chief Baker's deposition and never sought to cancel his deposition as your email falsely states. We had hoped that Plaintiffs would extend the same courtesy and good-faith in the case of scheduling the Chief as Defendants extended to Plaintiffs in the case of ED Whyte. Additionally, Defendants never stated that they had not attempted to prepare Chief Baker, and confirmation was asked of Ms. Robinson about who was scheduled to defend the Chief not for who was preparing him. As you were informed at the meet and confer, Chief Baker will not be appearing on May 24th. He can appear for a deposition on June 27th or 28th.

Peter Scutero
New York City Law Department

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Sent: Friday, May 19, 2023 9:49 AM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Amy,

As Peter brought to my attention, Chief Baker is calendared for Wednesday, May 24 not the 22nd. As mentioned on yesterday's call, we are ready to go forward on that date. The link for his deposition is below.

Defendants admitted that the reason for attempting to cancel Chief Baker was not an emergent situation under ECF No. 921 but the Law Department's disregard of its obligations in this case to timely prepare its witness. In the month since his prior deposing attorney, Daniel Braun, left the office, Defendants had not even attempted to prepare Chief Baker for his deposition and Peter had to even confirm on the call that it was he would be preparing the Chief. Peter is planning on proposing specific alternative dates for his deposition today and I will read that email, as I mentioned, but I am planning on going forward Wednesday as previously scheduled absent agreement of the parties or Court order.

<https://us06web.zoom.us/j/87082165036?pwd=OEUYR2hhRotxV3lnUkxvUETFeFhuZzo9>

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Pronouns: She/Her/Hers

From: Marquez, Lillian
Sent: Wednesday, May 17, 2023 10:11 AM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Amy,

While we offered to confer on a new date if there was an emergent justification for cancelling Chief Baker's deposition within the meaning of ECF No. 921, as stated in the email, Defendants still have not provided such a justification. Accordingly, pursuant to ECF No. 921, we will expect to go forward on Monday.

Regards,

Lillian Marquez | Assistant Attorney General

New York State Office of the Attorney General, Civil Rights Bureau
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Pronouns: She/Her/Hers

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>

Sent: Wednesday, May 17, 2023 8:56 AM

To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: Re: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Lillian,

Chief Baker's deposition will be discussed at the meet and confer on Thursday.

Amy

Amy Robinson
Senior Counsel
New York City Law Department
Special Federal Litigation Division
100 Church Street
New York, NY 10007
(212) 356-3518
arobinso@law.nyc.gov

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>

Sent: Wednesday, May 17, 2023 8:47 AM

To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Amy,

Per the other part of Gina's email, as we did not receive any justification for Defendants' attempt to cancel Chief Baker's deposition, we will be going forward as previously scheduled next Monday at 9:30 a.m.

Regards,
Lillian

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>

Sent: Wednesday, May 17, 2023 8:43 AM

To: Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: Re: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Gina,

We can meet and confer on Thursday at 9:00 am.

Amy

Amy Robinson
Senior Counsel
New York City Law Department
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From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Tuesday, May 16, 2023 5:34 PM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

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Amy,

As you know, the Court's Individual Practices require a response to a request to meet and confer within one business day. We provided several windows of time in which we could meet and confer, including on Thursday, if that is when you will know better the witnesses' availability. But we need a response from you by 10 AM tomorrow as to when you are available.

Have a good evening,

Gina

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Sent: Tuesday, May 16, 2023 5:04 PM
To: Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: RE: NYC Protest Lit: Depositions still to be Scheduled

Gina,

We will respond to your email by Thursday.

Regards,
Amy

Amy Robinson
Senior Counsel
New York City Law Department
Special Federal Litigation Division
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From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Tuesday, May 16, 2023 10:10 AM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>
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Hi Amy,

Thank you for the confirmations. As you know, “defendants shall not cancel a high-level deponent, including a Rule 30(b)(6) witness, unless in case of an emergent situation.” ECF No. 921. We will keep Monday’s deposition date for Chief Baker unless you can identify an emergent situation that requires the cancellation. Please identify the reason for the cancellation by noon today.

As you are unable to provide dates for Nikas, Chief Hughes, and the continued deposition of DI Kanganis, we would like to meet and confer on this issue ASAP. Please let us know what times you are available in the below windows:

Today, 2-3, 4-5pm
Wednesday, 2-3 pm
Thursday, 9-10am, 11am-2pm

For Chief Lehr, May 30 and 31 unfortunately do not work—the attorney deposing him is out that week. Since this deposition was rescheduled due to the defendants’ error regarding Chief Lehr’s texts, and since it sounds like Chief Lehr himself is available during the proposed dates of June 6, 7, 8, and 9, would it be possible to make any of those dates work, or any date the following week? If we are unable to agree on any of the proposed dates for Chief Lehr, we would like to discuss that

during the meet and confer proposed above.

Best,
Gina

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Sent: Monday, May 15, 2023 7:29 PM
To: Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: NYC Protest Lit: Depositions still to be Scheduled

Gina,

- Chief Lehr can be rescheduled to May 31 preferred or May 30 as an alternate. His defending attorney is not available the first week in June. The Chief is not available the second week in June.
- Sgt. Wohl is confirmed for June 16.
- Sgt. Saturnin is confirmed for May 30 and May 31.
- Officer McCloud is confirmed for June 8.
- We are working with NYPD to obtain new dates for the continued deposition pertaining to Topics 20 and 21.
- As the dates offered for Insp. Nikas and Chief Hughes were rejected, we are working with these witnesses to get dates that will fit into the schedule.
- Additionally, we need to reschedule Chief Baker and will be providing new dates shortly.

Regards,
Amy

Amy Robinson
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From: Bull, Gina <Gina.Bull@ag.ny.gov>

Sent: Thursday, May 11, 2023 3:47 PM

To: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rOLONlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigtationTeam@schlamstone.com <PBALitigtationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>

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Good afternoon counsel,

There are a number of depositions that still remain unscheduled. Below are dates on which Plaintiffs are available to take each deposition:

- Nikas: June 5 or 6
- Hughes fact day: June 5, 6, or 8
- Re-deposition of Kanganis: 5/18, 5/24, or 6/8
- Lehr: June 6, 7, 8 or 9 [Reminder to provide Lehr's texts in advance of this deposition.]
- Saturnin: May 30 and 31 [To double check - Amy has confirmed his availability for both these dates, subject to the Court's decision on the length of the deposition.]
- Wohl: June 12, 16, or 20 [The Court ordered Sgt. Wohl be scheduled between June 12 and 23 in Dkt. 977.]

Please confirm whether Defendants are available on any of the proposed dates **by Monday May 15th**. If you are not able to confirm dates for those depositions by Monday, please provide by Monday times you are available to meet and confer on this issue on Tuesday 5/16 and Wednesday 5/17.

Thank you,
Gina

Gina Bull | Assistant Attorney General & Special Assistant to the First Deputy

New York State Office of the Attorney General | Executive Division

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Pronouns: she/her/hers

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